

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
WASHINGTON, DC 20591

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In the matter of the petition of
THE STALLION 51 CORPORATION
for an exemption from Section 91.315 of
Title 14, Code of Federal Regulations
* * * * *

Regulatory Docket
No. 29197

GRANT OF EXEMPTION

By undated letter, Mr. Lee C. Lauderback, Chief Instructor, The Stallion 51 Corporation (Stallion 51), 3951 Merlin Drive, Kissimmee, Florida 34741, petitioned the Federal Aviation Administration (FAA) on behalf of Stallion 51 for an exemption from Section 91.315 of Title 14, Code of Federal Regulations (14 CFR). The proposed exemption, if granted, would permit Stallion 51 to provide initial and recurrent training, orientation flights, and training under contract with the U.S. military in its two North American P-51TF (P-51TF) airplanes certificated as limited category civil aircraft.

The petitioner requests relief from the following regulation:

Section 91.315 prescribes that no person may operate a limited category civil aircraft carrying persons or property for compensation or hire.

The petitioner supports its request with the following information:

The petitioner states that Stallion 51 has operated 2 of the 10 remaining TF-51 aircraft in the world since April 1987. The petitioner submits that the TF-51 aircraft, which is a dual cockpit, fully-functional dual control trainer version of the North American P-51 (P-51) aircraft, was designed specifically to provide fighter training and high-performance fighter aircraft transition training. The petitioner indicates that Stallion 51 uses these aircraft to provide initial and recurrent training, orientation flights, and training under contract with the U.S. military.

According to the petitioner, Stallion 51 uses a "well-experienced team" to conduct training and operates these aircraft at a level that meets and generally exceeds U.S. military operating procedures. The petitioner also states that for safety purposes, Stallion 51 conducts all training operations under day/visual flight rule conditions.

According to the petitioner, Stallion 51's original TF-51 aircraft possessed a standard airworthiness certificate. However, the petitioner states that the FAA reissued a limited category special airworthiness certificate to the TF-51 aircraft 3 years later. The petitioner contends the FAA assured Stallion 51 that because Stallion 51's TF-51 aircraft have dual cockpits and fully-functional dual controls and because a trainee would be considered a crewmember and not a passenger, "Section 91.315 would not apply." Nevertheless, the petitioner states that the use of certain aircraft for flight training operations that do not hold standard category airworthiness certificates recently has come under review by the FAA, prompting Stallion 51 to seek an exemption from Section 91.315. The petitioner, however, does not seek relief to provide transportation for compensation or hire in its TF-51 aircraft.

The petitioner states that Stallion 51's training curriculum consists of initial and recurrent training that covers aircraft systems, normal and abnormal procedures, basic flight maneuvers, slow and high performance maneuvering, stalls and spins, and takeoffs and landings. According to the petitioner, successful participants will demonstrate knowledge and proficiency in the aircraft at a level that is required for a type rating under 14 CFR part 61. The petitioner states that the recurrent training program provides an intensive review of aircraft systems, procedures, various flight maneuvers, and the latest safety materials available relative to the operation of the aircraft. Recurrent training can vary from one to three flights depending on the pilot's skill level.

According to the petitioner, orientation training flights are conducted under the same safety standards as initial and recurrent training; however, completion of the dual training syllabus is not expected, nor is the student required to meet the performance standards for a type rating. The petitioner states that orientation flights are offered to individuals who are considering the purchase of a high-performance warbird aircraft, others who would simply like to strengthen their existing pilot skills, corporate flight operators and airline pilots seeking unusual attitude recovery training, and individuals who currently are student pilots or may become student pilots in the future.

The petitioner argues that 14 CFR allows a student pilot

with a complex, high-performance, and tailwheel airplane endorsement to act as pilot in command (PIC) of the TF-51 aircraft. Additionally, a private pilot may act as PIC and carry passengers in the TF-51 aircraft without specific training or a Letter of Authorization from the FAA. The petitioner states that it would be very rare for a student pilot or low-time private pilot at Stallion 51 to act as PIC of TF-51. The petitioner asserts that the training provided in Stallion 51 orientation flights does not differ significantly from similar training provided to student or private pilots in complex aircraft possessing standard category airworthiness certificates. In addition, Stallion 51 notes that all flight instruction is logged as dual under the applicable Federal Aviation Regulations.

Furthermore, the petitioner states that Stallion 51 has conducted approximately 500 training flights for the military during the past 10 years and is under contract to provide additional U.S. military training flights. According to the petitioner, Stallion 51 provided test pilot students and staff of the United States Test Pilot School at Patuxent Naval Test Center with military qualitative evaluations and has conducted similar programs for the United States Air Force Test Pilot School.

The petitioner states that a grant of exemption would be in the public interest because Stallion 51 is the only operator of aircraft capable of adequately training individuals to operate high-performance propeller-driven fighter aircraft and notes that there are no aircraft certificated in the standard category capable of performing this mission. According to the petitioner, although instruction is available in two-place military trainers, other training options do not offer the same performance characteristics as the TF-51 aircraft.

The petitioner also submits that insurance companies commonly require new P-51 and TF-51 pilots to obtain training before being offered adequate insurance coverage. According to the petitioner, Stallion 51 offers the necessary training to qualify civilian warbird pilots to operate their aircraft safely in solo flight or with a passenger. The petitioner states that a study conducted on civil pilot accidents in high-performance military surplus aircraft illustrates the need for this training. The petitioner adds that the TF-51 aircraft serves as an excellent training aircraft for pilots who fly the Spitfire, Corsair, Bearcat, P-47, and other fighter aircraft.

The petitioner states that considering the minimal pilot qualifications required to fly a P-51 aircraft, participation in Stallion 51's training program provides an essential service to the aviation community and promotes safety in air commerce. Furthermore, the petitioner submits

that Stallion 51 provides an indirect benefit to the public by allowing the public to see this type of historic military aircraft perform in airshows such as Sun 'n Fun, the Reno Air Races, Thunder Over Louisville, Jacksonville Naval Air Station, and the Daytona Beach Sky Fest '97. According to the petitioner, the aircraft performs a 12-minute aerobatic routine that is narrated and accompanied by music, and includes low-level flight maneuvers such as vertical rolls, barrel rolls, point rolls, inverted passes, Cuban-8 loops, and a break to landing.

The petitioner states that a grant of exemption would provide an equivalent level of safety because the training provided by Stallion 51 has helped reduce P-51 aircraft accidents and incidents. The petitioner states that after 10 years of extensive flight operations and over 5,000 hours of operating the TF-51 aircraft, Stallion 51 has a flawless safety record. The petitioner also states that Stallion 51 has tracked more than 71 graduates of its initial/recurrent training syllabus, and the safety record of those graduates in operations of the P-51 aircraft and other similar high-performance airplanes has been excellent.

According to the petitioner, Stallion 51 requires that before training each student acknowledge in writing that the student is receiving flight instruction in an aircraft certificated in the limited category and that the student is a crewmember capable of performing the operational and safety-related tasks of the TF-51 aircraft covered in the preflight briefing. The petitioner states that all flight operations are conducted by certificated flight instructors who possess over 5,000 cumulative hours of operational experience in the P-51 and TF-51 aircraft.

Furthermore, the petitioner states that Stallion 51 schedules monthly a "safety stand-down" day, during which pilots are required to attend safety meetings and discuss safety issues relating to ground and flight operations. The petitioner believes that safety is enhanced by constantly reviewing the standardization of operations and instruction. The petitioner states that in-flight videos are used as training aides for students and instructor pilots and also are periodically reviewed by the chief instructor, Mr. Lee C. Lauderback, to ensure training standardization and instructor and student compliance with Stallion 51 safety procedures.

The petitioner also states that Stallion 51 has a well-organized maintenance program, under which its aircraft are maintained in a manner concurrent with subpart E of part 91 as it applies to aircraft operated for hire. All aircraft receive an annual inspection and 100-hour inspections in accordance with U.S. Air Force Technical Order (USAF TO) 1F-51A-6, and all maintenance procedures are conducted in

accordance with USAFTO 1F-51D-2. Additionally, the petitioner states that Stallion 51 is in the process of submitting a progressive inspection program to its Flight Standards District Office (FSDO). Furthermore, the petitioner adds that the Stallion 51 maintenance staff possesses over 50 years of cumulative P-51 and TF-51 aircraft maintenance experience.

A summary of the petition was published in the Federal Register on June 3, 1998 (63 FR 30282). No comments were received.

The FAA's analysis/summary is as follows:

The FAA has reviewed the information presented by the petitioner in support of its petition and has determined that the circumstances described by the petitioner justify a grant of exemption.

Historically, the FAA has taken the position that an aircraft with a special airworthiness certificate in the experimental category may be used for crew training or flight instruction where no charges or remuneration for the use of the aircraft are involved. A pilot or owner may receive flight instruction from a flight instructor in an experimental aircraft; however, a commercial operator may not provide such an aircraft for the purpose of providing flight instruction for hire. A person who is the owner or operator of an aircraft with a special airworthiness certificate in the experimental category may receive flight instruction in that aircraft and pay for the services of a flight instructor. The FAA also permits a person to take a certification practical test in an aircraft with a special airworthiness certificate in the experimental category at the discretion of the examiner who administers the practical test.

The FAA previously has granted exemptions to certain commercial operators of aircraft certificated in the experimental category when the type of training or aircraft is so unique that only limited access may be available to the users. The operators, by exemption, are permitted to provide flight instruction for compensation, and in addition, have proven to operate safely through the imposition of conditions and limitations that provide an equivalent level of safety.

The aircraft operated by Stallion 51 are not certificated in the experimental category but to the higher standards required for the limited category. The FAA issues limited category airworthiness certificates to aircraft (1) previously issued a limited category type certificate, (2) that conform to that type certificate or properly altered condition, (3) in a good state of preservation and repair,

and (4) in a safe operating condition. The FAA believes that this provides for an increased level of safety over that of experimental category aircraft. In addition, the FAA imposes no additional conditions for the use of a limited category aircraft when used in the certification practical test.

The FAA believes that flight training is the cornerstone for safe flight operations. The FAA promotes training as evidenced by the requirements for the biennial flight review, the FAA-sponsored pilot proficiency award program, and the many FAA-sponsored safety seminars provided by the safety program managers found in all FSDOs located throughout the United States. Therefore, a grant of exemption to Stallion 51 would provide a segment of the aviation community with flight instruction that might not otherwise be available.

In consideration of the foregoing, I find that a grant of exemption is in the public interest. Therefore, pursuant to the authority contained in 49 U.S.C. Sections 40113 and 44701, delegated to me by the Administrator (14 CFR Section 11.53), The Stallion 51 Corporation is granted an exemption from 14 CFR Section 91.315 to the extent necessary to allow Stallion 51 to provide initial and recurrent training, and training under contract with the U.S. military in its two North American TF-51 airplanes certificated as limited category civil aircraft, subject to the following conditions and limitations:

1. Stallion 51 must continue to maintain its TF-51 aircraft in an airworthy condition in accordance with -
 - a. The maintenance requirements specified in the TF-51 aircraft type specification sheet, as amended;
 - b. An inspection program that meets the requirements of Section 91.409; and
 - c. Appropriate military technical manuals for the TF-51 aircraft.
2. The PIC must -
 - a. Hold at least a commercial pilot certificate with a single-engine land airplane rating;
 - b. Hold at least a second-class medical certificate;
 - c. Hold a certificated flight instructor certificate with an airplane single-engine rating;
 - d. Have completed TF-51 aircraft qualification and recurrent flight and ground training within the previous 12 calendar months; and

- e. Have accomplished three takeoffs and three landings to a full stop in a TF-51 aircraft within the previous 90 days before serving as PIC.

This exemption terminates on September 30, 2000, unless sooner superseded or rescinded.

Issued in Washington, DC, on September 17, 1998.

/s/ Richard O. Gordon
Acting Director, Flight Standards Service